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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SWITCH, LTD.,  
a Nevada limited liability company,  
Plaintiff,

vs.

STEPHEN FAIRFAX; MTECHNOLOGY;  
DOES 1 through 10; and ROE ENTITIES  
11 through 20, inclusive,

Defendants.

Case No. 2:17-cv-02651-GMN-VCF

**STIPULATION TO EXTEND DISCOVERY  
DEADLINES**

**(First Request)**

Case No. 2:17-cv-02651-GMN-VCF

Pursuant to LR IA 6-1 and LR 26-4, the parties, by and through their respective counsel of record, hereby stipulate and request that this Court extend the current discovery deadlines for all parties to in the above-captioned case for a period of 90 days. In addition, the parties request that the dispositive motions and pretrial order deadlines be extended in accordance with the discovery extension as outlined in this stipulation.

In support of this Stipulation and Request, the parties state as follows:

## 1.0 Discovery Completed to Date

To date the parties have completed the following discovery:

No discovery has been completed at this time.

## 2.0 Discovery Remaining to be Completed

**2.1** Written discovery needs to be propounded upon Defendants.

**2.2** Written discovery needs to be propounded upon Plaintiff.

**2.3** Depositions of the parties, possible witnesses, and experts need to be set.

## 3.0 Reasons(s) Why Discovery has not been Completed

Following the Court's order denying Defendants' Motion to Dismiss and Plaintiff's Motion for a Preliminary Injunction (Doc. No. 33), the parties engaged in, and continue to engage in, fruitful settlement negotiations, including an in-person settlement meeting in Boston, Massachusetts. As part of these negotiations, which are ongoing, the parties discussed informal discovery that could potentially resolve or narrow the issues in this case, and decided to postpone formal discovery. On November 6, 2018, the parties decided to resume with formal discovery, but continue to engage in settlement negotiations.

## 4.0 Proposed Schedule for Completing all Remaining Discovery

<u>Scheduled Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
Expert disclosures	November 7, 2018	<b>February 5, 2019</b>
Rebuttal expert disclosures	December 7, 2018	<b>March 7, 2019</b>
Discovery cut-off date	January 7, 2019	<b>April 8, 2019</b>
Dispositive motions	February 5, 2019	<b>May 6, 2019</b>
Pretrial order	March 7, 2019	<b>June 5, 2019</b>

1 Applications to extend any date set by the discovery plan, scheduling  
2 order, or other order must, in addition to satisfying the requirements of LR IA 6-1,  
3 be supported by a showing of good cause for the extension. In accordance  
4 with LR 26-4, all motions or stipulations to extend a deadline set forth in a  
5 discovery plan shall be received by the Court no later than 21 days before the  
6 expiration of the subject deadline.<sup>1</sup> A request made after the expiration of the  
7 subject deadline shall not be granted unless the movant demonstrates that the  
8 failure to act was the result of excusable neglect. Any motion or stipulation to  
9 extend a deadline or to reopen discovery shall include:

10 (a) A statement specifying the discovery completed;

11 (b) A specific description of the discovery that remains to be completed;

12 (c) The reasons why the deadline was not satisfied or the remaining  
13 discovery was not completed within the time limits set by the discovery  
14 plan; and

15 (d) A proposed schedule for completing all remaining discovery.

16 It is not good cause for a late request to extend discovery that the parties  
17 informally postponed discovery. No stipulations are effective until approved by  
18 the Court, and "[a]ny stipulation that would interfere with any time set for  
19 completion of discovery, for hearings of a motion, or for trial, may be made only  
20 with approval of the Court." See LR 7-1(b).

21  
22  
23  
24  
25 <sup>1</sup> The Scheduling Order (Doc. No. 31) specifies that stipulations or motions to modify the discovery  
26 plan "must be made not later than December 17, 2018."

**IT IS SO STIPULATED.**

Dated this 7<sup>th</sup> day of November, 2018.

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/s/Ronald D. Green

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*Attorneys for Plaintiff,  
Switch, Ltd*

**IT IS SO ORDERED.**

\_\_\_\_\_  
**UNITED STATES DISTRICT JUDGE**

**DATED:** \_\_\_\_\_